

AGENDA ITEM 10

APPENDIX I

14/03675/S42

14/03676/S42

COVERING LETTERS
&
EXISTING & PROPOSED
CONDITIONS

HALLIDAY FRASER MUNRO
PLANNING

Our Ref: P1705/S42-83/BR
Your Refs: CNPA: 07/145/CP & 2013/0074/MSC

25th September 2014

VIA ELECTRONIC SUBMISSION

Highland Council
Glenurquhart Road
Inverness
IV3 5NX

FAO Andrew McCracken – Kingussie Office

Dear Sirs

**APPLICATION FOR VARIATION OF CONDITIONS UNDER SECTION 42
EXISTING CONSENTS DPEA ref PPA/001/2001 FOR 83 HOUSES
LAND AT NORTH DALFABER, AVIEMORE**

ON BEHALF OF REIDHAVEN ESTATE

Please find enclosed an application for Variation of Conditions attached to Planning Permission in Principle **07/145/CP - PPA/001/2001**, approved on 9 March 2010.

This application is made to seek variation in the wording of conditions attached to the above noted consents. It is important to note that the conditions in question are the same conditions (in terms of the wording, but not necessarily the numbering) on both this application and its partner application for 10 units located immediately to the south. The accompanying site plans illustrate the relationship between the two sites and also include the relevant reference numbers to help avoid any confusion.

This application requests the variation of the following conditions.

Condition 1
Condition 12
Condition 13
Condition 22

The specific conditions are set out on an accompanying schedule – showing the wording of the present condition and a proposed variation to each of those conditions.

The main motivation for seeking these changes stems from the processing of the AMSC Applications presently before the Cairngorm National Park Authority. [2013/0074/MSC in this case]. There is a brief explanation against each set out below.

Condition 1 & 13

The reason variation is being sought for this condition stems from the apparent ambiguity in relation to Section 59 of the Planning Acts concerning timing. There is a concern that once the AMSCs submitted to deal with condition 1 are dealt with, there would be no legal basis on which to submit future AMSCs to

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BOB G REID
BA(HONS) MCD
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REGIONAL DIRECTOR
STEVE CRAWFORD
BSC (HONS) MKTPI



deal with plot-by-plot applications to build individual houses. Clearly it was the intention of the reporter that such applications would be possible. The reporter even set out a specific condition (Condition 12 in this application) which indicated that plot-by-plot applications would be allowed. The proposed rewording of Condition 1 & Condition 12 therefore changes very little other than make it evidently clear that further applications would not be barred in terms of Section 59 of the Planning Acts.



Condition 12

This condition relates to the direction of phasing for the development. We have expressed concern about this condition during the AMSC process – and submitted an alternative proposal. There is no inherent argument or opposition to our suggestion from the Cairngorm National Park Authority – just a belief that if change from what the condition states is necessary, it would be better to apply for a variation to the condition. The justification is straightforward and is reiterated here:-.

As a substantial architectural practice we not only are involved in supervising the construction of many residential schemes across Scotland, we advise on construction practice, in particular as it relates to Health & Safety and CDM Regulations. The present condition relating to phasing & build-out advises that the scheme should be built from north to south. Whilst not impossible this would be difficult and would raise significant health and safety issues.

Our experience of construction practice on similar housing developments is that the building work gradually works away from the public road. This approach minimises the number of journeys made by members of the public (visitors or new residents) through an operational building site, with all the associated risks. The convention is to segregate the public from the construction site and by building further into the site, as each phase has been completed and sold, the secure construction site moves beyond the completed area.

The suggestion made in this planning condition that conventional construction practice be done in reverse (i.e. working toward the public road, from north to south) makes little sense. Construction in this manner would mean that the early purchasers would then be travelling back and forth through a building site every time they left their new homes. Apart from the impracticality of organising such an approach (manned gates, personal protective equipment etc), there would be potential liabilities which any construction company would not be able to carry without specific risk assessments and controls that would adversely affect not only the construction programme but the residents.

Starting construction at the south, close to the public road, means that new residents and potential purchasers will not have to travel through a building site. The normal disruption of construction works will also move away from the existing residents at the southern entrance. There is a small trade-off insofar as construction traffic would of course be going through already constructed residential areas, but then it is doing this on the public highway anyway on the way to the site and subject to legally enforceable control.

Condition 22



19th September 2014

North Dalferber S42 – Up to 83 Units

This condition relates to the provision of affordable housing. The proposed variation seeks to replace a precise numeric requirement with a percentage requirement based on the 25% figure now formalised within the new Scottish Planning policy published in June 2014. The reason for seeking this adjustment is firstly that the proposed numbers have reduced already from the original applications (from 11 + 94 down to 10 + 83). This application is a proposal that variation to include a percentage would work better going forward insofar as any change to the final number of homes constructed, up or down, would then be better covered by this condition.



It is our expectation that this application will be called-in by the CNPA – but irrespective of that next step, I would offer any assistance I can give in ensuring that these applications are validated. Plans, completed forms are attached and electronic payment for the £192.00 fee has been put in place.

If you have any questions or queries then please do not hesitate to contact me.

Yours faithfully



Bob Reid
Planning Director
For Halliday Fraser Munro Planning

Bob.reid@hfm.co.uk

Enc.

Appeal Consent ref # PPA/001/2001 – 83 Plots

On behalf of Reidhaven Estates

September 2014

Condition	Text as existing	Text as proposed with changes shown in red
1	<p>Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.</p> <ul style="list-style-type: none"> • The siting, design and external appearance of all buildings and other structures including all fencing • The location and specification of all vehicular roadways and of paths for the separate or combined use of pedestrians, cyclists, horse-riders and aids for the off-road movement of persons with physical disabilities • A detailed landscaping plan, including extensive peripheral tree planting, and proposals to protect and maintain the scenic integrity of the site and provide wildlife corridors • Surface drainage of the site in accordance with Sustainable Urban Drainage Systems principles (SUDS). <p>(Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.)</p>	<p>1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.</p> <ul style="list-style-type: none"> • The siting, design and external appearance of all buildings and other structures including all fencing; <u>or</u> • alternatively, for a plot-by-plot approach condition 12 is adhered to; • The location and specification of all vehicular roadways and of paths for the separate or combined use of pedestrians, cyclists, horse-riders and aids for the off-road movement of persons with physical disabilities; • A detailed landscaping plan, including extensive peripheral tree planting, and proposals to protect and maintain the scenic integrity of the site and provide wildlife corridors; • Surface drainage of the site in accordance with Sustainable Urban Drainage Systems principles (SUDS). <p>Condition 12 allows a plot-by-plot approach in which case the site start made upon the infrastructure works will allow subsequent</p>

Appeal Consent ref # PPA/001/2001 – 83 Plots

On behalf of Reidhaven Estates

September 2014

		<p>plot-by-plot MSC applications to be competently made and considered in line with Section 59(4) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.</p> <p><i>(Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 (1) (2) & (4) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006)</i></p>
12	<p>The development shall be carried out in phases, in conjunction with the adjacent development permitted under application 07/145/CP (appeal decision PPA-001-2000). No phase shall be commenced until the previous phase has been certified by the planning authority as sufficiently complete. Before development is begun a detailed phasing plan for both development sites (applications 07/144/CP and 07/145/CP) shall have been approved in writing by the planning authority. Phasing shall be undertaken generally in a north to south direction, and shall include details of the development method (for example single entity development or individual plot development), including responsibility for the provision of infrastructure to serve the development. <i>(Reason: to ensure an orderly sequence of development.)</i></p>	<p>The development shall be carried out in phases, in conjunction with the adjacent development permitted under application 07/145/CP (appeal decision PPA-001-2000). No phase shall be commenced until the previous phase has been certified by the planning authority as sufficiently complete. Before development is begun a detailed phasing plan for both development sites (applications 07/144/CP and 07/145/CP) shall have been approved in writing by the planning authority. Phasing shall be undertaken generally in a north to south direction, and shall include details of the development method (for example single entity development or individual plot development), including responsibility for the provision of infrastructure to serve the development. <i>(Reason: to ensure an orderly sequence of development.)</i></p>

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<p>13</p>	<p>In the event that any plots within the development are proposed to be developed on an individual basis, a detailed design statement shall be submitted for the written agreement of the planning authority, prior to the submission of any subsequent application on the individual plots. The design statement shall include design guidance (including sample house type illustrations where appropriate) and shall cover details of height, materials, plot ratio, boundary treatments, the incorporation of energy efficiency and sustainability measures, and landscape and ecology guidance. All subsequent applications shall be in accordance with the agreed detail of the design statement. <i>(Reason: for consistency of design principles in the whole development.)</i> [nb This is condition 12 on the other consent]</p>	<p>In the event that any plots within the development are proposed to be developed on an individual basis, a detailed design statement shall be submitted for the written agreement of the planning authority, prior to the submission of any subsequent application on the individual plots. The design statement shall include design guidance (including sample house type illustrations where appropriate) and shall cover details of height, materials, plot ratio, boundary treatments, the incorporation of energy efficiency and sustainability measures, and landscape and ecology guidance. All subsequent applications shall be in accordance with the agreed detail of the design statement. A plot-by-plot approach is competent in terms of Section 59 (1) (2) & (4) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 with the proviso that the other MSCs set out at bullet points 2, 3 and 4 in Condition 1 have been approved by the Planning Authority and a lawful site start achieved. <i>(Reason: for consistency of design principles in the whole development; and to ensure to ensure that the matters referred to are given full consideration and to accord with section 59 (1) (2) & (4) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006)</i></p>
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Appeal Consent ref # PPA/001/2001 – 83 Plots

On behalf of Reidhaven Estates

September 2014

<p>22.</p>	<p>The development shall not be begun before either the planning authority has certified in writing its satisfaction with arrangements, binding on all relevant parties, for the provision to a registered social landlord of not less than 22 dwellings on this site together with the contiguous site of appeal decision PPA-001-2000 (application 07/144/CP); or the planning authority has notified in writing its agreement to alternative arrangements for the provision of affordable housing. (Reason: to ensure that development of the site makes a due contribution to affordable housing in the locality.)</p>	<p>The development shall not be begun before either the planning authority has certified in writing its satisfaction with arrangements, binding on all relevant parties, for the provision to a registered social landlord of not less than 22 dwellings a number of dwellings not less than 25% of the total number of dwellings to be built on this site together with the contiguous site of appeal decision PPA-001-2000 (application 07/144/CP); or the planning authority has notified in writing its agreement to alternative arrangements for the provision of affordable housing. (Reason: to ensure that development of the site makes a due contribution to affordable housing in the locality.)</p>
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Condition 11
Condition 12
Condition 21

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Condition 21



19th September 2014

North Dalrader S42 – Up to 10 Plots

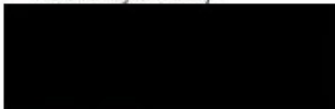
This condition relates to the provision of affordable housing. The proposed variation seeks to replace a precise numeric requirement with a percentage requirement based on the 25% figure now formalised within the new Scottish Planning policy published in June 2014. The reason for seeking this adjustment is firstly that the proposed numbers have reduced already from the original applications (from 11 + 94 down to 10 + 83). This application is a proposal that variation to include a percentage would work better going forward insofar as any change to the final number of homes constructed, up or down, would then be better covered by this condition.



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		<p>plot-by-plot MSC applications to be competently made and considered in line with Section 59(4) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.</p> <p><i>(Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 (1) (2) & (4) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006)</i></p>
11	<p>The development shall be carried out in phases, in conjunction with the adjacent development permitted under application 07/145/CP (appeal decision PPA-001-2001). No phase shall be commenced until the previous phase has been certified by the planning authority as sufficiently complete. Before development is begun a detailed phasing plan for both development sites (applications 07/144/CP and 07/145/CP) shall have been approved in writing by the planning authority. Phasing shall be undertaken generally in a north to south direction, and shall include details of the development method (for example single entity development or individual plot development), including responsibility for the provision of infrastructure to serve the development. <i>(Reason: to ensure an orderly sequence of development.)</i></p>	<p>The development shall be carried out in phases, in conjunction with the adjacent development permitted under application 07/145/CP (appeal decision PPA-001-2001). No phase shall be commenced until the previous phase has been certified by the planning authority as sufficiently complete. Before development is begun a detailed phasing plan for both development sites (applications 07/144/CP and 07/145/CP) shall have been approved in writing by the planning authority. Phasing shall be undertaken generally in a north to south direction, and shall include details of the development method (for example single entity development or individual plot development), including responsibility for the provision of infrastructure to serve the development. <i>(Reason: to ensure an orderly sequence of development.)</i></p>

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September 2014

<p>12</p>	<p>In the event that any plots within the development are proposed to be developed on an individual basis, a detailed design statement shall be submitted for the written agreement of the planning authority, prior to the submission of any subsequent application on the individual plots. The design statement shall include design guidance (including sample house type illustrations where appropriate) and shall cover details of height, materials, plot ratio, boundary treatments, the incorporation of energy efficiency and sustainability measures, and landscape and ecology guidance. All subsequent applications shall be in accordance with the agreed detail of the design statement. <i>(Reason: for consistency of design principles in the whole development.)</i> [nb This is condition 13 on the other consent]</p>	<p>In the event that any plots within the development are proposed to be developed on an individual basis, a detailed design statement shall be submitted for the written agreement of the planning authority, prior to the submission of any subsequent application on the individual plots. The design statement shall include design guidance (including sample house type illustrations where appropriate) and shall cover details of height, materials, plot ratio, boundary treatments, the incorporation of energy efficiency and sustainability measures, and landscape and ecology guidance. All subsequent applications shall be in accordance with the agreed detail of the design statement. A plot-by-plot approach is competent in terms of Section 59 (1) (2) & (4) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 with the proviso that the other MSCs set out at bullet points 2, 3 and 4 in Condition 1 have been approved by the Planning Authority and a lawful site start achieved. <i>(Reason: for consistency of design principles in the whole development; and to ensure to ensure that the matters referred to are given full consideration and to accord with section 59 (1) (2) & (4) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006)</i></p>
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September 2014

<p>21.</p>	<p>The development shall not be begun before either the planning authority has certified in writing its satisfaction with arrangements, binding on all relevant parties, for the provision to a registered social landlord of not less than 22 dwellings on this site together with the contiguous site of appeal decision PPA-001-2001 (application 07/145/CP); or the planning authority has notified in writing its agreement to alternative arrangements for the provision of affordable housing. (Reason: to ensure that development of the site makes a due contribution to affordable housing in the locality.)</p>	<p>The development shall not be begun before either the planning authority has certified in writing its satisfaction with arrangements, binding on all relevant parties, for the provision to a registered social landlord of not less than 22 dwellings a number of dwellings not less than 25% of the total number of dwellings to be built on this site together with the contiguous site of appeal decision PPA-001-2001 (application 07/145/CP); or the planning authority has notified in writing its agreement to alternative arrangements for the provision of affordable housing. (Reason: to ensure that development of the site makes a due contribution to affordable housing in the locality.)</p>
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